

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**

SABEIN BURGESS,

*

Plaintiff,

*

Case No. 1:15-cv-00834-RDB

v.

*

Hon. Richard D. Bennett
District Judge

Baltimore Police Department, *et al.*,

*

JURY TRIAL DEMANDED

Defendants.

*

* * * * *

**PLAINTIFF'S MOTION *IN LIMINE* NO. 22 TO BAR
POLICE OFFICERS FROM WEARING POLICE ATTIRE,
BADGES, OR MEDALS DURING TRIAL**

Now comes Plaintiff, Sabein Burgess, by and through his counsel, Loevy & Loevy, and respectfully moves this Court to prohibit Defendants from wearing law enforcement uniforms, badges, or medals during the course of trial. In support thereof, Plaintiff states as follows:

Plaintiff in this matter is an ordinary civilian seeking redress for the wrongs inflicted on him by state actors. Although all parties are equal before the law, if Defendants appear in law enforcement uniforms or with badges or medals, the jury may be subliminally influenced to credit their testimony. Although the influence of law enforcement uniforms is difficult to quantify, it is wise to avoid any unnecessary risk of prejudice that uniforms, badges, or medals may create. *Bemben v. Hunt*, 93-509, 1995 WL 27223 at *4 (N.D. Ill. Jan. 23, 2015) (acknowledging that the influence of uniforms is unknown and requiring police officers to appear in plain clothes to avoid undue influence over the jury). For their part, Defendants would suffer no prejudice by being required to wear civilian dress like all other witnesses. Because the jury must not decide the case “on the basis of a factor unrelated to the issues properly before it,”

the Court should not permit Defendants to wear police attire, badges, or medals during trial.

Mullen v. Princess Anne Volunteer Fire Co., 853 F.2d 110, 1134 (4th Cir. 1988).

WHEREFORE, Plaintiff respectfully requests an Order *in limine* prohibiting any police officer party or witness from wearing police attire, badges, or medals in the courtroom during trial.

RESPECTFULLY SUBMITTED,

SABEIN BURGESS

/s/ Jon Loevy
Jon Loevy

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Attorneys for Plaintiff Sabein Burgess

CERTIFICATE OF SERVICE

I, Jon Loevy, an attorney, hereby certify that on October 20, 2017, I filed the foregoing motion using the Court's CM/ECF system, which effected service on all counsel of record.

RESPECTFULLY SUBMITTED,

/s/ Jon Loevy

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One of Plaintiff's Attorneys